

## **REMARKS**

### ***Status of the Claims***

Claims 12-14 and 19 are pending. Claim 12 is amended. Support for the amendments may be found throughout the specification and original claims as filed. *See, e.g.*, page 9, lines 21-32; page 13, lines 14-18 and 30-32; and page 23, lines 14-16.

Applicant submits that the amendments to claim 12 do not raise new issues that would require further consideration and/or search. Applicant respectfully requests entry of this amendment and submits that no new matter has been added.

### ***Sequence Compliance***

The Office Action asserts that the instant application fails to comply with the requirements of 37 C.F.R. §§ 1.821-1.825.<sup>1</sup>

Applicant submits herewith a Substitute Sequence Listing in compliance with 37 C.F.R. §§ 1.821-1.825.

### ***Rejections Under 35 U.S.C. § 102(b)***

Claims 12-14 and 19 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 6,420,534 (July 16, 2002) Gurney, *et al.* ("the '534 patent").

Applicant respectfully traverses this rejection.

#### **A. The Claimed Antibodies, Fragments, Or Derivatives Thereof Bind A Polypeptide Possessing At Least SEQ ID NO: 3**

The claimed invention relates to antibodies that bind BACE455 polypeptides. BACE455 is a novel neuropathological isoform of human beta secretase (BACE). BACE455 results from the deletion of exon 4, and the development of a novel nucleotide and corresponding amino acid sequence resulting from the junction of exon 3 and exon 5.<sup>2</sup> This corresponding amino acid sequence is IARIIG (SEQ ID NO: 3).<sup>3</sup>

Claims 12-14 and 19 are drawn to an antibody, fragment, or derivative thereof, that binds a polypeptide comprising the amino acid sequence of SEQ ID NO: 3. Accordingly, the claimed

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<sup>1</sup> *See* Office Action, page 2, ¶ 4.

<sup>2</sup> Specification, page 5, line 34 to page 6, line 3.

<sup>3</sup> *See, e.g., id.* at page 9, lines 21-32; page 13, lines 17-23.

antibody, fragment, or derivative thereof binds a polypeptide possessing *at least* SEQ ID NO: 3—corresponding to the junction region between amino acids encoded by exons 3 and 5.

**B. The '534 Patent Does Not Teach An Antibody, Fragment, Or Derivative Thereof That Binds A Polypeptide Comprising SEQ ID NO: 3**

The '534 patent discloses antibodies that bind to huAsp2(b) (SEQ ID NO: 6 of the '534 patent). HuAsp2(b) contains exon 4, and therefore exons 3 and 5 are not joined. As such, the '534 patent does not disclose a polypeptide comprising SEQ ID NO: 3, let alone an antibody, fragment, or derivative thereof, that binds a polypeptide comprising SEQ ID NO: 3. Indeed, the Office Action acknowledges that the '534 patent does not teach the entirety of SEQ ID NO: 3.<sup>4</sup> Accordingly, Applicants submit that the '534 patent does not anticipate the claimed invention.

In view of the foregoing, Applicants respectfully request withdrawal of this rejection.

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<sup>4</sup> Office Action, page 4 (“...SEQ ID NO: 3, which has three common amino acids with the SEQ ID NO: 6 of the '524 patent.”)

**CONCLUSION**

In view of the above remarks, early notification of a favorable consideration is respectfully requested. An indication of allowance of all claims is respectfully requested.

Respectfully submitted,  
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